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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH ADMINISTRATION
BUREAU OF AGRICULTURAL AND INDUSTRIAL CHEMISTRY
Washington 25, D. C.

September 30, 1948

BUREAU MEMORANDUM NO. 407

PROCEDURE COVERING CORRESPONDENCE RELATING TO PATENT MATTERS.

TO DIRECTORS OF REGIONAL RESEARCH LABORATORIES, BUREAU DIVISION
HEADS AND THOSE IN CHARGE OF FIELD STATIONS:

The following outlines the authority and responsibility for communications concerning patent matters of the Bureau:

- A. New Patent Applications: All memoranda transmitting drafts of new patent applications shall be addressed to the Chief of Bureau and shall be signed by the Director of the Regional Research Laboratory or Head of Bureau Division.
- B. Extraordinary Actions: All memoranda of the Regional Research Laboratories or the Bureau Divisions concerning important decisions which might reasonably be expected to emanate from the Chief of Bureau, shall be addressed to the Chief of Bureau and shall be signed by the Director of the Regional Research Laboratory or Head of the Bureau Division.

Examples of this type of action follow. It should be pointed out that these are not intended as a limitation on the type of correspondence which should be sent to the Chief of Bureau for action.

1. Abandonment of application.
2. Discontinuance of prosecution.
3. Resubmission of application.
4. Continuation-in-part (where the inclusion of new material requires submission of a new application).
5. Divisional case (where new applications are derived from the parent case).
6. Request for expeditious handling of patent application.

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(Cont'd.)

7. Interference (the initial correspondence only).
8. Foreign rights to the invention. (Form TS-12 - "Foreign Patent Protection Reporting Form" may be sent by the laboratories and Bureau Divisions direct to the Solicitor, provided that the recommendation is that the Government should secure foreign rights to the invention. If the recommendation is that the Government not seek foreign rights, then the file should be sent to the Chief of the Bureau for review).
9. Requests for advisory action following final rejection.
10. Appeals to the Board of Appeals or to the Courts.

C. General Correspondence: General correspondence concerning a pending application between the time of its submission to the Solicitor's Office and final action in the case, shall be addressed direct to the Solicitor's Office of the Department over the signature of the Technical Analyst of the Regional Research Laboratory. In the absence of the Technical Analyst the communication shall be signed by an appropriate officer of the laboratory or Bureau Division.

D. Solicitor's Office Correspondence: All correspondence concerning the pending application emanating from the Solicitor's Office, after its initial submission to the Solicitor's Office by the Chief of Bureau, shall be addressed by the Solicitor's Office directly to the Technical Analyst at the appropriate Regional Research Laboratory, with the following three exceptions:

1. If, during the prosecution of the pending patent the Chief of Bureau addresses a communication to the Solicitor concerning a question or decision of importance, the Solicitor's Office will address its reply to the Chief of Bureau.
2. If, during the course of the prosecution of a patent case it appears to the Solicitor's Office expedient to address a communication to the Chief of the Bureau, that office shall do so.
3. Upon final allowance and issuance of a patent the Solicitor's Office shall transmit the patent to the Chief of the Bureau with the customary three additional copies of the patent. The Chief of the Bureau will transmit the patent with appropriate number of copies to the Director of the Regional Research Laboratory or Head of Bureau Division.

E. Copies of correspondence: In every case where a communication is sent by the Technical Analyst to the Solicitor's Office, or

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(Copies of Correspondence, Cont'd.)

vice versa, a copy of such communication shall be sent at the same time to the Chief of Bureau. Likewise when correspondence emanates from the Office of the Chief of Bureau, copies of such correspondence shall be sent to the appropriate laboratory or Bureau Division. The Washington office of the Bureau will maintain files on each patent application in the same manner as heretofore, using the copies of correspondence between the Technical Analyst and the Solicitor to build the file. This file will be used to maintain a record of the status of the case, and will be used to answer such inquiries as are directed to the Washington office with respect to the application. It will also be used for considering requests for license to practice inventions. It is, therefore, of prime importance that the Washington office receive promptly copies of all such correspondence. It is also imperative that copies of all enclosures be furnished the Washington office except if they are generally not kept with the case file, such as for instance, copies of patents cited by the Examiner against the particular application. Since only two copies of Patent Office actions are supplied the Department by the Patent Office, one of which is filed in the Solicitor's Office and one of which will be sent by the Solicitor's Office to the Technical Analyst for comment, it will be necessary that the Technical Analyst at the regional research laboratories arrange to have such Patent Office actions copied (either photostated or typed) when they are received by him and forwarded to the Washington office with any reply which is made to the particular action. If no reply to the Patent Office action is necessary, a copy of the action should nevertheless be furnished.

F. Responsibility for Content of Correspondence: In sending correspondence direct to the Solicitor's Office, the Laboratory or Bureau Division must assume full responsibility for the content of such communications. Supplying a copy of such correspondence to the Office of the Chief of Bureau, as required under this procedure, will not serve to divide responsibility, as such copies are intended simply to enable the Chief of Bureau's office to intelligently consider any inquiries that may arise concerning any patent case with assurance that the office has up-to-date information with regard to the status of the patent application. It is of real importance to give to such correspondence careful thought and attention, since it represents the thoughts, opinions and decisions of the Bureau, and involves a relationship with another agency of the Department.

G. Washington Correspondence: All correspondence of the Washington office addressed to the Solicitor shall be signed by the Chief of Bureau. All correspondence between the Washington office and the Regional Research Laboratories or Bureau Divisions shall be signed by the Assistant Chief of the Bureau for Administration.

H. Other Correspondence: All other correspondence not directly related to the prosecution of the pending patent application shall continue to be addressed to the Chief of Bureau by the Director of the Regional Research Laboratory or Head of Bureau Division. Likewise, all correspondence with other Government agencies pertaining to patent matters shall be cleared with the Chief of Bureau.

Louis B. Howard

Louis B. Howard
Chief of Bureau

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